

## UNCLASSIFIED

### Questions for the Record from Senator Ron Wyden

September 26, 2013

- Section 702 of FISA was intended to give the government new authority to target foreigners, but the executive branch has argued that the NSA should have the authority to deliberately go through communications collected under section 702 and conduct warrantless searches for the communications of individual Americans. Has the NSA ever conducted any of these warrantless searches for individual Americans' communications?
- How long has the NSA used Patriot Act authorities to engage in the bulk collection of Americans' records? And was this collection underway when Congress was voting to reauthorize the Patriot Act in late 2005 and early 2006?
- Over the last few years I have written multiple letters to Attorney General Holder regarding a particular opinion from the Justice Department's Office of Legal Counsel that interprets common commercial service agreements. I have said that I believe that this opinion is inconsistent with the public's understanding of the law, and that it needs to be both withdrawn and declassified. Despite multiple follow-ups from my staff I still have not received a response to any of these letters. Can you tell me when I can expect a response?
- One of the recurring debates about section 702 of FISA is whether the law should include stronger protections against reverse targeting, which is the prohibited practice of trying to spy on Americans by collecting the communications of foreigners that those Americans are believed to be talking to. Since the FISA Amendments Act was passed in 2008, have there been any instances of reverse targeting by NSA analysts?